

REMARKS

Reconsideration and withdrawal of the examiner's rejections under 35 USC § 103(a) is respectfully requested in view of the preceding amendment, and the following remarks. The applicant would like to thank the examiner for her kind cooperation in this matter.

35 USC § 103

The examiner has rejected claims 1, 2, 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Lähteenmäki, et al. (WO 99/61479) in view of Partain III, et al. (US 6,372,901). In response, Applicants have amended claims 1, 5 and 6 to make clear that the specific beta 1, 4 polysaccharide claimed is hydroxyl ethyl cellulose (HEC) and not a derivative of HEC to clearly distinguish the claims over Lähteenmäki in view of Partain III, et al. Support for this amendment is found in claim 4, etc.

Lahteenmaki relates to cellulose ethers that are hydrophobically modified (abstract). The cellulose ether may be HEC (page 4, lines 11-14), but according to page 2, lines 28-29, the cellulose ether is modified by reaction with alkylketene dimer (AKD) to produce materials of the formula on page 3 lines 10-13. This is not HEC, it is a modified 'HEC'. For all cases in Lahteenmaki, the cellulose ether is modified. Thus Lahteenmaki does not teach incorporation of unmodified HEC.

Partain III also discloses modification of the polysaccharide, this time with alkyl-aryl substitution (see abstract). Alkyl-aryl hydrophobe substitution is described on col. 2, lines 5-10. Such substitution means having from about 10 to 18 carbon atoms in the alkyl-aryl group. Although HEC materials are the preferred starting materials (see examples for Cellulose QP300, and col. 4, lines 48-49), they are no longer the HEC as required by amended claim 1 after modification with the alkyl-aryl hydrophobe.

Thus Lahteenmaki teaches AKD modified HEC, and Partain III teaches alkyl-aryl hydrophobe modified HEC, so any combination of the two references must teach only modified HEC, and not the HEC material as required in claim 1. Therefore, a proper prima facie case under § 103 is not made out for the amended claims as the combination of the two references does not teach every claim limitation, as discussed above.

In the alternative, the skilled person would not have been led to the instant method as claimed because both references teach away from using unmodified HEC to treat colored fabrics in conjunction with a wash liquor as claimed.

CONCLUSION

In summary, claims 1, 5 and 6 have been amended. No new matter has been added.

In light of the above remarks, amendment and declaration, applicants submit that all claims now pending in the present application are in condition for allowance. Reconsideration and allowance of the application is respectfully requested. The examiner is invited to contact the undersigned if there are any questions concerning the case.

Respectfully submitted,



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